

GR5 – Planning Proposal – Land Adjoining Bargo Sportsground

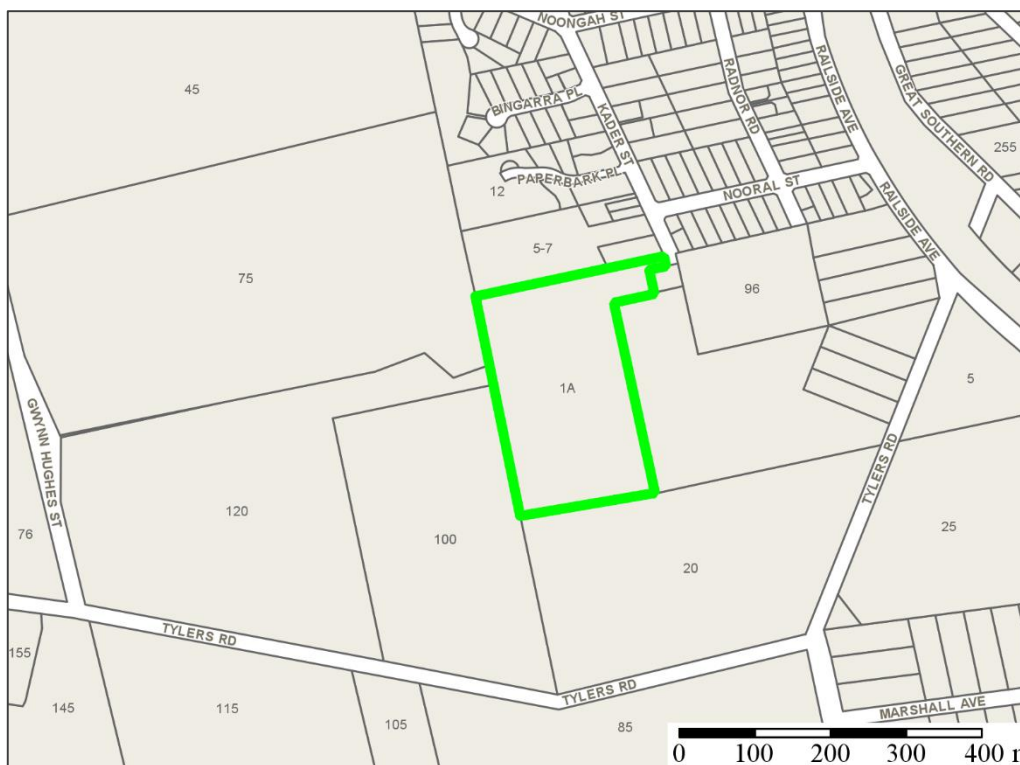
GR5

Planning Proposal – Land Adjoining Bargo Sportsground
 993

TRIM 6743

Applicant: Precise Planning
Owner: Mr B & Mrs R A Elfar

Growth



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LOCATION MAP



Stage	Completed
Preliminary notification	May, 2012
Gateway Determination	February, 2013
Consultation with Public Agencies	March, 2013 and October, 2014 (following amendments to the Planning Proposal)
Specialist Studies	November, 2013
Public Exhibition/Community Consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

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EXECUTIVE SUMMARY

- This report seeks support to request an Alteration to the Gateway Determination for the Land Adjoining Bargo Sportsground Planning Proposal.
- This Planning Proposal seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lot 1 DP 635609 (No. 1A) Kader Street, Bargo.
- Amendments are considered necessary in response to feedback received from government agencies and internal consultation. Particularly in relation to the capability of the site in terms of adequately protecting vegetation, safe disposal of waste water and bushfire hazard.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that Council support the recommended changes outlined in this report and that a request for an Altered Gateway Determination be forwarded to the Greater Sydney Commission.

REPORT

1.1 SITE DESCRIPTION

The site is a large rural allotment located in the suburb of Bargo. The site is 5.637 hectares in area and is mostly of a rectangular shape, with the exception of a portion of land in the north eastern corner of the site where an access handle extends to Kader Street.

The frontage to Kader Street is 13.72 metres wide. For most part the site contains a gentle slope extending from the south western corner of the site to the north eastern corner.

The site contains two watercourses, one which runs across the access handle in the north eastern corner of the lot. The other watercourse extends across the south west corner of the site and a large earth dam has been constructed within the channel of this watercourse.

There are currently no buildings on the lot. The lot is predominantly cleared; however, there are some areas of the site which contain areas of scattered vegetation, most notably in the north eastern and south western corners of the site.

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The adjoining lands to the west are zoned rural and typically contain dense vegetation with no buildings. The northern boundary adjoins two lots that are zoned R2 Low Density Residential. The two (2) lots to the north are under single ownership and contain one dwelling and some outbuildings with much of the remainder of these lots containing dense native vegetation.

To the east of the site is the Bargo Sportsground while to the south of the site is a large lot which is zoned E2 Environmental Conservation. The lot to the south consists mainly of dense vegetation and no buildings. At its nearest point the site is approximately 250 metres from the Bargo Town Centre and approximately 400 metres from Bargo Public School.

1.2 CURRENT PROPOSAL & PROPOSED CHANGES

It is intended to seek an amendment by way of an Altered Gateway Determination to enable the Planning Proposal to proceed in the following manner:

- Amend the land use zoning of the site from RU2 Rural Landscape to R5 Large Lot Residential and E2 Environmental Conservation
- Amend the minimum lot size map to reflect a minimum lot size of 4000 square metres across the R5 zoned land and no minimum lot size to the E2 zoned land
- Amend the height of buildings map to impose a maximum building height limit of 9 metres across the entire site
- A table outlining a comparison between the current Planning Proposal and proposed amendments is provided below:

	Current Arrangement	Current Planning Proposal	Proposed Amendments
Land Use Zoning	RU2 Rural Landscape	R5 Large Lot Residential	R5 Large Lot Residential and E2 Environmental Conservation
Minimum Lot Size	16ha	2,000 square metres	4,000 square metres
Maximum Height of Building	No Maximum Building Height Specified	9 metres	9 metres

1.3 GATEWAY DETERMINATION & BACKGROUND

A Draft Planning Proposal for the amendment of Wollondilly Local Environmental Plan 2011 (WLEP 2011) was submitted to Council in February, 2012 and preliminary consultation was carried out in May, 2012.



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ORIGINAL PLANNING PROPOSAL

Council originally supported the Draft Planning Proposal at its Ordinary Meeting of July, 2012 in the following form:

- Amend the land use zoning of part of the site to R2 Low Density Residential (with 450 square metre minimum lot size)
- amend the land use zoning of part of the site to R5 Large Lot Residential (with 1,000 square metre minimum lot size)
- Apply a maximum building height of 9m across the entire site.

A Gateway Determination was issued by the Department of Planning and Environment on 9 February, 2013 which enabled the Planning Proposal to proceed in the manner resolved by Council above.

AMENDMENTS TO PLANNING PROPOSAL – JULY 2014

Following the Gateway Determination by the Department of Planning and Environment, initial consultation with Government Agencies was undertaken. Feedback from Sydney Water identified that there is insufficient capacity in the Bargo Priority Sewerage Program (PSP) to cater for any further low density residential development in the Bargo area. Subsequently, the Planning Proposal was revised to apply an R5 Large Lot Residential zone to the entire site with a minimum lot size of 2000 square metres.

The amendments to the Planning Proposal were supported by Council at its Ordinary Meeting in July 2014. Council sought a revised Gateway Determination from the Department of Planning and Environment, however, their advice at the time was that an Alteration was not required and the proposal could proceed in the manner resolved by Council without a revised Gateway Determination being issued by the Department.

PROPOSED FURTHER AMENDMENTS

Upon completion of the specialist studies for the proposal and further review by Council, it was established that a minimum lot size of 2000 square metres would not be sufficient given the constraints of the site (particularly in relation to accommodating on-site wastewater disposal). It has also been found that the riparian zones in the south-western corner of the site and the north eastern portion should be protected through an environmental conservation zone. It is now recommended that the proposal proceed based on the land use zone of the site being amended to R5 Large Lot Residential and E2 Environmental Conservation and a minimum lot size of 4000 square metres be applied to the R5 zoned land.

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BACKGROUND TO VEGETATION ISSUES

The Flora and Fauna investigations undertaken have identified that the site consists of Shale Sandstone Transition Forest and Alluvial Woodland vegetation. Shale Sandstone Transition Forest (SSTF) is listed as a Critically Endangered Ecological Community (CEEC) under the NSW Threatened Species Conservation Act and the Commonwealth Environmental Protection and Biodiversity Conservation Act, and Alluvial Woodland is a component of the listed EEC, River-flat Eucalypt Forest on Coastal Floodplains, listed under the NSW Threatened Species Conservation Act only.

The vegetation communities are found on the site in a highly modified state due to former land uses such as grazing. The vegetation on site is currently found in two condition states (underscrubbed and mixed exotic/native pasture) as shown in attachment 2. Much of the vegetated area will be disturbed either through construction or through the earthworks required to elevate some parts of the site above the 1% AEP flood level.

Although the vegetation on the site is highly modified, the works associated with a future subdivision would likely constitute a significant impact. The significant impact may be offset through the use of the Biobanking Assessment tool. However, until recently, this approach would not have been possible had the land use zoning of the site been amended to an R5 Large Lot Residential Zone. This is because any clearing in the R5 Large Lot Residential zones in the Wollondilly LGA also required approval under the Native Vegetation Act 2003, and OEH is unable to issue a Biobanking Statement on land to which the Native Vegetation Act applies (unless there is an existing development consent or Property Vegetation Plan in place, which could not be obtained prior to the finalisation of the Planning Proposal).

However, on 25 August, 2017 the NSW Government introduced a new Biodiversity Conservation Act and associated regulations which would enable the removal of vegetation in the R5 Large Lot Residential Zone to be offset through the use of the Biobanking Framework. The new Biodiversity Conservation Act does not exclude certain zones from the use of the Biobanking tools.

Although the legislation commenced on 25 August, 2017, it should be noted that there are transitional arrangements in place. For the Local Government Area of Wollondilly, a landowner would have 12 months to submit a development application under the current legislation. It is considered appropriate, however, that the Planning Proposal could proceed based on the new regulations taking effect 12 months from 25 August, 2017 as a development application for subdivision of the land would be unlikely to be lodged before that time.

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It is proposed to retain the vegetation which sits adjacent to the riparian corridors on the site. These will be retained by applying an E2 Environmental Conservation Zone to these areas generally in accordance with the map shown in attachment 3. The exact area where the E2 Environmental Conservation Zone will apply will be finalised following the receipt of a final Flora and Fauna Assessment which addresses the matters raised by Council's Environmental Services Team below.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL STAFF

The following comments on the Planning Proposal were received from Council staff:

ENVIRONMENTAL SERVICES

A site inspection identified sections of the site which contain the Critically Endangered Ecological Community (CEEC) Shale Sandstone Transition Forest. Consequently, the proponent is required to consider the assessment of the impact of the proposal on this community through either the assessment of significance, or offsetting biodiversity losses through the Biobanking framework.

It is apparent that the proponent intends to pursue the Biobanking Statement approach. This option would involve the preparation of a detailed Biodiversity Assessment Report (BAR) which is carried out in accordance with the Biobanking Assessment Methodology. This process would involve the calculation of credits that are necessary to offset biodiversity losses.

The BAR must include the following matters to ensure that biodiversity losses associated with the proposal are accurately identified in accordance with the Biobanking framework:

Demonstrated measures that avoid/minimise/mitigate impacts associated with the proposal on identified areas of SSTF:

- The precise area of intended vegetation clearance to establish the necessary asset protection zones
- The presence of threatened flora and fauna species (flora in particular), as well as likely habitat for these species
- The presence of native grasses in both conserved areas and within the development in accordance with the scientific determinations for both CPW and SSTF Critically Endangered Ecological Communities.

Council's Environmental Services Team identified a number matters in the Flora and Fauna Assessment originally submitted with the proposal which require further attention and it is expected that the preparation of a BAR as part of a future Biobanking Statement application at the subdivision stage would address these issues.

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However, it is recommended that the proponent be requested to provide the following information prior to public exhibition of the Planning Proposal:

- Updated vegetation mapping that shows the full extent of SSTF occurring on the site based on the NSW Scientific Determination for this community including any areas that satisfy the definition of as Derived Native Grassland under this determination
- Preliminary calculations based on the BAM which show the credits required to offset all identified, proposed vegetation clearance associated with this proposal (including the establishment of asset protection zones).

It is recommended that the proponent be requested to provide this information within an updated Flora and Fauna Assessment prior to public exhibition of the Proposal.

No objections to the 4000 square metre minimum lot size were raised by Council's Environmental Services Team, however, it was recommended that the riparian corridor in the South Western corner of the site be retained within an Environmental Conservation zone and this is reflected in the recommendations of this report.

ENVIRONMENTAL HEALTH

Council's Environmental Health Officer had previously commented on the Planning Proposal following the submission of Specialist Studies (based on a minimum lot size of 2000 square metres) and the following concerns were raised:

"The on-site effluent disposal study states that 411 metres of effluent disposal area will be required for a 5 bedroom house. Once buffer distances are added to this figure; a quarter of the lot is required to be available for effluent disposal. It is unrealistic that owners would want to keep much of this area free for effluent disposal and as such will likely consider pump out which should only be considered as a last resort emergency option and should not be an option at the Planning stage".

Council's Environmental Health Officer has supported the proposal based on a minimum lot size of 4000 square metres being applied to the site and raised no further concerns with the Planning Proposal. The proponent has agreed to the Planning Proposal being amended and a revised Gateway Determination sought to increase the minimum lot size of the proposed R5 zoned land to 4000 square metres based on the Health Officer's advice.

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INFRASTRUCTURE & DRAINAGE (DRAINAGE)

Additional flood modelling was submitted which indicates that the majority of the site is inundated in the 1% Annual Exceedence Probability (AEP) flood level and that it is intended to fill the land to provide acceptable building sites (0.5m freeboard above the 1% AEP Level for a majority of the site).

The difficulty with this scenario is that the site is surrounded by the 1% AEP flood and so evacuation once the roads are cut becomes a problem. This is when the Probable Maximum Flood (PMF) becomes important as we can say the land above this level is flood free. Evacuation is all about a continuously rising route to flood free areas.

The modelling has used a fill platform (using vertical retaining walls). This is also above the PMF so that the site is shown as flood free.

There are two issues with this approach:

- A vertical edge to the floodwaters makes it difficult for any persons caught in the water to exit and it will separate a future lot into two halves
- The filling has impacts on flood behaviour by removing flood storage and acting to block flows and raise levels on adjoining properties.

POSSIBLE CONTROLS

Council's Infrastructure Planning Section have not objected to the proposal but have advised the following requirements.

Limited filling will be permitted to provide building platforms associated with a central road provided that this does not adversely impact the 1% AEP Flood Levels and has limited impact on the PMF on adjacent land.

The road will need to provide access during a 1% AEP flood without adversely impacting 1% AEP flood levels and limited impact on the PMF on adjacent land.

The road will need to provide a continuously rising profile away from any low point to an area of publicly accessible flood free land (this is expected to be required and may be provided in an area at the higher part of the site to the south by limited filling if required).

A pedestrian access into the rear of the sportsground is considered desirable and a flood free island within the site may also tie into this to provide a larger area if appropriate.

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The filling shall provide a gentle transition (not sharp) within flood affected land.

The flood modelling undertaken has indicated that the raising of the land would not impact on the riparian corridor in the south western corner of the site.

2.2 CONSULTATION WITH PUBLIC AGENCIES

The Gateway Determination required consultation with the following Public Agencies:

- Sydney Water
- NSW Rural Fire Service
- NSW Office of Environment and Heritage
- Roads and Maritime Services
- NSW Office of Water
- NSW Trade and Investment (Resources and Energy)
- Local Land Services
- Mine Subsidence Board (now Subsidence Advisory).

Consultation was carried out with the relevant public agencies in September/October, 2014 following the submission of Specialist Studies for the Planning Proposal.

Several government agencies raised concerns with the proposed 2,000 square metre minimum lot size. The following is a summary of the matters raised by public authorities and Council comments on the matters raised:

SYDNEY WATER

Sydney Water has provided advice on numerous occasions in relation to this site and future development in Bargo which states the following:

Water

- The proposed lots will be serviced by a drinking water extension off the 100mm main in Kader Street.

Wastewater

- Sydney Water will not be allowing or considering any sewer connections to the Bargo Priority Sewerage program (PSP) scheme for any proposed development that is outside the subsidised service area until at least 2020
- The reason for this is because there is no spare capacity available due to the current high water infiltration problems being experienced in the area

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- In addition to the infiltration issues, the Bargo PSP will also be dependent upon the amplification of the Picton Recycling Plant to provide any future additional capacity. This amplification is not expected to be completed until around 2020
- Even after the amplification has been completed, there is still no guarantee that there will be sufficient spare capacity for developments that are outside the subsidised area. There will be very little additional capacity if any to the Bargo Area.

Comment: The minimum lot size that was originally proposed (being a mix of 450 square metres and 1000 square metres across various parts of the site) was revised upon receipt of this advice from Sydney Water. It is proposed to further revise the minimum lot size to 4000 square metres to ensure that on-site effluent disposal can be provided within individual lots in accordance with Council's On-site Effluent Disposal and grey Water re-use Policy.

NSW Rural Fire Service (NSW RFS)

The RFS advice in relation to the Planning Proposal suggested that the proposal will need to incorporate the following measures:

- An assessment of the level of hazard posed to future development by the land or adjacent land and how the hazard may change as a result of development.
- The provision of asset protection zones in accordance with Appendix 2 of Planning for Bushfire Protection 2006. (In this regard, the bushfire risk posed by classified vegetation located off site on adjoining lands and by proposed revegetated riparian zones located on-site needs to be considered in determining the asset protection zone requirements).
- The provision of access in accordance with section 4.1.3 or 4.2.7 of Planning for Bushfire Protection 2006. This includes the provision of perimeter roads.
- The provision of water supply for fire fighting purposes in accordance with Section 4.1.3 or 4.2.7 of Planning for Bushfire protection, 2006.

Comment: The Bushfire Hazard Assessment undertaken in respect of the Planning Proposal has identified that an asset protection zone of 25 metres from the northern boundary and 20 metres from the existing vegetation in the western and southern areas of the site to ensure that future habitable buildings on the site would satisfy a Bushfire Attack Level (BAL) rating of 29 or less in accordance with Planning for Bushfire Protection 2006. It is unlikely that these asset protection zones could be achieved if a minimum lot size of 2000 square metres was applied across the site and minimum lot size of 4000 square metres for the R5 zoned land is therefore recommended.

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The application of a 4000 square metre minimum lot size across the site is likely to result in a future subdivision layout being unable to comply with the access requirements stipulated above. Further advice was received from the Rural Fire Service in relation to the likely non-compliances which is discussed in further detail under Ministerial Directions.

Office of Environment and Heritage (OEH)

Archaeological Assessment

The proposed rezoning to R5 Large Lot Residential with a minimum lot size of 2000 square metres for areas identified as having high archaeological potential was not supported.

The recommendation in the Aboriginal Cultural Heritage (ACH) Assessment that broader consultation be deferred until the development application stage was not supported.

The ACH Assessment is to be revised to ensure that it provides adequate and robust investigations, consultation, assessment and quantification of:

- The consultation with the local aboriginal community in accordance with the OEH Aboriginal Cultural Heritage Consultation requirements for Proponents, 2010
- The nature, extent and significance of archaeological resources and/or cultural values on the site (particularly any areas of high significance)
- Recommendations for appropriate management of areas of cultural and archaeological significance on the site suitable to guide the Planning Proposal and any subsequent decisions by Council to amend the LEP.

Comment: The OEH comments stating that they do not support the current minimum lot size of 2000 square metres are noted and this report recommends an increase to 4000 square metres which will address these concerns. It is recommended that Council request the proponent to provide an updated Aboriginal Cultural Heritage Assessment which addresses the matters raised by OEH prior to the proposal proceeding to Public Exhibition.

Flora and Fauna

OEH raised concerns that the Planning Proposal and the Flora and Fauna Assessment undertaken did not address the potential impacts to vegetation, on the site and to adjoining land from the 10/50 Vegetation Clearing Code of Practice (10/50 COP) and it was recommended that the minimum subdivision lot size be reviewed to ensure that proposed lots can accommodate building envelopes 50m from existing vegetation (including the vegetation to adjoining properties) and other infrastructure requirements (such as irrigation areas for effluent disposal).

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The application of an R5 Large Lot Residential Zone for the creek bank and riparian corridor in the south western corner of the site was not supported and an E2 zone for this part of the site was recommended.

OEH recommends offsetting for biodiversity losses where impacts are unavoidable.

Comment: The RFS 10/50 Code of Practice enables landholders to clear vegetation around their homes without consent for the purposes of bushfire protection. The code allows the removal or pruning of any vegetation (including trees) within 10 metres of a dwelling and the removal or pruning of any vegetation (excluding trees) within 50 metres of a dwelling.

The comments from OEH which raised concerns about the impact on vegetation from the clearing under the 10/50 rule were addressed by the changes to the 10/50 code which were introduced in September, 2015. The 10/50 code would have originally enabled any clearing within 50 metres of a dwelling on a future lot to occur.

However, an amended 10/50 Code of Practice took effect in September, 2015. The 10/50 Code does not apply to the following:

- Any vegetation mapped as Shale Sandstone Transition Forest in the Sydney Basin Bioregion
- Vegetation to which a legal obligation to protect that vegetation exists, including any instrument under Section 88B of the Conveyancing Act 1919 that identifies and requires the retention and management of vegetation for conservation purposes.

The effect of the amended code is that the 10/50 code of practice could not be used to clear the SSTF on the site following the construction of future dwellings. It may also be possible to conserve other CEEC on the site within a conservation area under a restriction on the user of the land which would also mean that the vegetation removal under the 10/50 code could not be undertaken. This approach will ensure that all vegetation impacts and required offsetting are able to be considered as part of the Planning Proposal and Development Application for the site.

The recommendation of this report is to apply an E2 Environmental Conservation Zone to the riparian area in the south western corner of the site which is consistent with the advice from OEH.

The amended Biodiversity Conservation Act and associated regulations would enable any biodiversity losses in the R5 zoned part of the land to be offset through the use of the Biobanking Assessment Methodology. This approach is consistent with OEH's suggestion that offsetting be applied to areas that cannot be satisfactorily protected.

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The proposed amendment to a minimum lot size of 4000 sqm provides an increased opportunity both for vegetation protection and asset protection.

Roads and Maritime Services

RMS does not object to the proposal in principle. RMS notes that access to the proposed development will be via local surrounding roads and considers the Planning Proposal is unlikely to significantly impact the classified road network.

NSW Office of Water (NOW)

OEH are generally supportive of riparian corridor designation within the site. NOW advice also recommends that the riparian corridors be held within public ownership to ensure that they are appropriately retained and managed.

Comment: The application of an E2 Environmental Conservation zone to the south western portion of the site would enable the retention and proper management of the riparian area. It is not proposed to dedicate this land to Council, however sufficient measures are able to be taken (such as restrictions on the use of the land) to ensure that this area is retained and managed.

Department of Trade and Resources (Investment and Energy)

- The proposal overlies consolidated coal lease CCL 747, held by Bargo Collieries Pty Ltd (Tahmoor Coal). Tahmoor are currently developing this area as part of the Tahmoor South Project which proposes to continue the Tahmoor Mine for an additional 18 years of operation until approximately 2040.
- The small size of the area and the potential number of residences is not likely to have a significant impact on future coal or coal seam gas exploration and development.

Comment: The comments from Trade and Investment are noted. Further consultation will be undertaken during public exhibition of the proposal including consultation with the colliery in accordance with the recent amendments to the Mine Subsidence Act.

NSW Local Land Services

- The Native Vegetation Act, 2003 applies to the current RU2 zoning. If the proposed rezoning goes ahead, the NV Act 2003 would still apply to the land zoned R5 Large Lot Residential and any clearing Native Vegetation within this zoning may require approval under the NV Act and should be referred to LLS.

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- Local Land Services support the lower density across the site as it would provide greater flexibility for future development to minimise the removal of native vegetation.
- The site contains a third order stream and a significant dam in the south western corner of the site. LLS recommends maintaining the existing native vegetation in these areas as conservation zones to allow for the appropriate vegetated buffer distances between the proposed development, native bushland and watercourses.

Comment: LLS advice that the Native Vegetation Act would apply to the proposed R5 zone is noted. The effect of this is that OEH would not be able to issue a biobanking statement to offset any vegetation removal that would otherwise constitute a significant impact. It is anticipated that the Biodiversity Conservation Act which commenced on 25 August, 2017 would enable use of biobanking to offset vegetation losses.

It is expected that the riparian zone in the south western corner of the site could be retained through the application of an E2 Environmental Conservation zone. The concept map in Attachment 3 demonstrates that a subdivision with a 4000 square metre minimum lot size could accommodate the conservation of the riparian zone.

Mine Subsidence Board (now Subsidence Advisory)

No objections were raised to the proposed rezoning and it was advised that the applicant should seek the board's approval for any proposed subdivision or improvements.

2.3 COMMUNITY CONSULTATION

Preliminary consultation was undertaken in May, 2012. No community consultation has been carried out specifically in relation to the changes to the Planning Proposal in respect of minimum lot size as the changes would result in lower density development than the proposal that was previously exhibited. Further, formal consultation will occur at a future stage of the Planning Proposal.

2.4 PLANNING PROPOSAL

The Planning Proposal has been prepared in accordance with Section 55 of the EP&A Act, 1979 and the guidelines published by the DP&E. The Planning Proposal has been revised from the version previously considered by Council at its July, 2014 Council Meeting in response to matters raised through internal and external consultation.

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Council's options are:

1. Resolve to support the Planning Proposal in the form as described in Section 2.12 of this report.
2. Resolve to support the Planning Proposal in another form. If this option were chosen an altered Gateway Determination may be required which reflect the amendments requested.
3. Resolve not to support the Planning Proposal. If this option were chosen then Council would need to request an altered Gateway Determination from the Department which states that the proposal will not proceed. The applicant could choose to submit a new Planning Proposal. There are no appeal rights through the Land and Environment Court against Council's refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

2.5 A PLAN FOR GROWING SYDNEY (2014)

The proposed amendments to the Planning Proposal are consistent with all relevant aspects of A Plan for Growing Sydney.

2.6 DRAFT SOUTH WEST DISTRICT PLAN (2017)

The amendments to the Planning Proposal that are outlined in this report are consistent with the relevant actions and priorities contained in the Draft District Plan.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

- 4.4 Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. Consultation has been carried out with the Commissioner of the Rural Fire Service following the receipt of the Gateway Determination.

The proposed amendments to the Planning Proposal, particularly the increase in minimum lot size to 4000 square metres will enable the required asset protection zones to be achieved with adequate separation to vegetation within the proposed conservation lands on the site and the vegetation on adjoining lands in accordance with the requirements of the direction.

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The proposed amendments to increase the minimum lot size may lead to a future non-compliance with Planning for Bushfire Protection 2006 in respect of the access requirements as a 4000 square metre minimum lot size would make it difficult for any future lot layout to provide a perimeter road. The indicative lot layout provided (as shown in Attachment 3) shows that a future subdivision would be serviced by a dead end road of approximately 350m in length with no alternative access opportunities available.

The RFS advice stated that they would be prepared to accept a revised Bushfire Hazard Assessment as part of a future development application on the site which demonstrates that the proposal will achieve the performance criteria in Planning for Bushfire Protection 2006 notwithstanding the non-compliance with the public roads requirements. An alternate solution may also need to be provided.

Further consultation with the RFS will be undertaken during the public exhibition of the Planning Proposal. It is recommended that an updated Bushfire Hazard Assessment be undertaken prior to public exhibition of the Planning Proposal which provides details of how a future subdivision would meet the performance based criteria in Planning for Bushfire Protection, 2006 to ensure that the proposal meets the requirements of the Ministerial Direction.

Attachment 4 includes advice from the proponent's bushfire expert on the likely non-compliance with PFB requirements.

2.8 STATE ENVIRONMENTAL PLANNING POLICIES

The amendments to the Planning Proposal to increase the proposed minimum allotment size to 4,000 square metres would not create an inconsistency with any relevant SEPP.

2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

The proposal is not identified on any of the structure plans that form part of Council's GMS as an area that is suitable for potential future residential growth. However, the proposal was supported by Council at its ordinary meeting in July, 2012 and later received a Gateway Determination on the basis that it was consistent with all of the key policy directions in the Strategy. The proposed amendments are consistent with the key policy directions in the GMS.

2.10 CREATE WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

The Create Wollondilly Community Strategic Plan (CSP) 2033 is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. The CSP focuses on 5 key themes as follows:

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- Sustainable and balanced growth
- Management and provision of infrastructure
- Caring for the environment
- Looking after the community
- Efficient and effective Council.

Council's priority focus for growth under the CSP will be the development of a new town at Wilton and Council will only support appropriately scaled growth within and around its existing towns and villages that respects the character, setting and heritage of those towns and villages. An assessment of the Planning Proposal against the 5 themes is provided below:

- *Sustainable and Balanced Growth*
The proposal is consistent with Council's position on growth as it will provide for minor incremental growth around an existing village.
- *Management and Provision of Infrastructure*
Appropriate road and drainage infrastructure would be provided as part of the future development of the site.
- *Caring for the Environment*
The proposed amendments to the Planning Proposal include the application of an environmental zone to certain parts of the site (which was not previously included in the proposal) and an increase in the minimum lot size across the site. This will contribute to improved environmental outcomes including increased retention of vegetation and improved ability to accommodate on-site wastewater disposal within individual lots.
- *Looking after the Community*
The proposed amendments to the Planning Proposal are considered to be in the best interests of the community.
- *Efficient and Effective Council*
Council will continue to work to ensure that the proposal is consistent with the planning of long term growth within the Shire.

2.11 FINAL FORM OF PLANNING PROPOSAL

2.11.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

It is recommended that a revised Gateway Determination be sought from the Greater Sydney Commission to enable the Planning Proposal to proceed and make the following amendments to Wollondilly Local Environmental Plan 2011 as they apply to the site:

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- Amend the Land Zoning Map from Zone RU2 rural landscape to Zone R5 Large Lot Residential and E2 Environmental Conservation
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to 4,000 square metres across the R5 zoned part of the site. No minimum lot size shall apply to the proposed E2 zoned land
- Amend the Height of Buildings Map to reflect a Maximum Building Height Category of 9 metres across the entire site.

2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDPC 2011)

It is likely that site specific DCP controls will be required for this site in relation to Aboriginal heritage, flooding and on-site vegetation management. These controls will be drafted prior to the finalisation of the Planning Proposal.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through Council's adopted Fees and Charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Vegetation Mapping
2. Ecological Constraints Mapping
3. Map showing indicative lot layout and possible Environmental Conservation Area (shown in blue)
4. Advice from proponents Bushfire Expert

GR5 – Planning Proposal – Land Adjoining Bargo Sportsground

RECOMMENDATION

1. That Council support the proposed amendment to the Land Adjoining Bargo Sportsground Planning Proposal to enable the Planning Proposal to Proceed in the following manner:
 - Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R5 Large Lot Residential and E2 Environmental Conservation
 - Amend the Lot Size Map from a minimum lot size category of 16 hectares to 4,000 square metres across the R5 rural landscape zoned part of the site. No minimum lot size shall apply to the proposed E2 environmental conservation zoned land
 - Amend the Height of Buildings Map to reflect a Maximum Building Height Category of 9 metres across the entire site.
2. That the updated Planning Proposal be forwarded to the Greater Sydney Commission for a revised Gateway Determination to reflect the above changes.
3. That the proponent be requested to provide the following prior to the public exhibition of the proposal:
 - An updated Flora and Fauna Study which addresses the environmental concerns raised in section 2.1 of this report prior to Public Exhibition of the proposal
 - An updated Aboriginal Cultural Heritage Assessment which addresses the concerns raised by the NSW Office of Environment and Heritage which are detailed in section 2.2 of this report
 - An updated Bushfire Hazard Assessment which addresses the access requirements identified in section 2.7 of this report.
4. That the proponent be informed of Council's resolution.